

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
STATE OF CALIFORNIA, <i>et al.</i> ,)	
<i>ex rel.</i> MICHAEL GILL,)	No. 18 C 6494
)	
Plaintiffs,)	Judge Seeger
)	
v.)	
)	
CVS HEALTH CORP., <i>et al.</i> ,)	
)	
Defendants.)	

UNITED STATES' NOTICE OF INTERVENTION PURSUANT TO 28 U.S.C. § 2403(a)

Pursuant to Federal Rule of Civil Procedure 5.1 and 28 U.S.C. § 2403(a)¹, the United States exercises its statutory right to intervene in this matter and states as follows:

1. The United States is intervening for the limited purpose of defending the constitutionality of the *qui tam* provisions of the False Claims Act (FCA), which were challenged by defendants on October 15, 2024. Defendant's Notice of Constitutional Challenge (Dkt. 371) (arguing that the *qui tam* provisions of the FCA violate separation of powers principles and Article II, including the Vesting Clause, the Take Care Clause, and the Appointments Clause; the Due Process Clause's protection against self-interested prosecution; and Article III standing); Am. Answer (Dkt. 369), Affirmative and Other Defenses ¶¶ 17, 19, 20.

¹ Under 28 U.S.C. § 2403(a), the United States has an unconditional right to intervene in "any action . . . wherein the constitutionality of an Act of Congress affecting the public interest is drawn into question."

2. The United States' will file its response to defendants' constitutional challenge after defendants file a dispositive motion or when the court sets a briefing schedule.

Respectfully submitted,

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